

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RONALD MICHAEL CAUTHERN,)
)
Petitioner,)
)
v.)
)
RICKY BELL, WARDEN,)
)
Respondent.)

No. 3:04-1100
Judge Trauger

O R D E R

The petitioner is a death-row inmate. He brings this action under 28 U.S.C. § 2254, challenging the constitutionality of his convictions and death sentence.

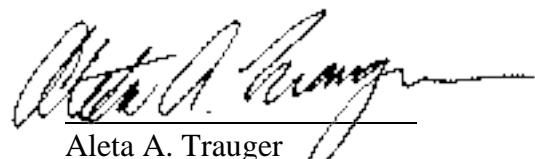
As provided in the memorandum entered contemporaneously herewith, the following are hereby **ORDERED**:

- 1) The petitioner's motion for summary judgment (Docket Entry No. 123) is **DENIED**.
- 2) The respondent's motion for summary judgment (Docket Entry No. 121) is **GRANTED**.
- 3) The petitioner's petition for federal *habeas corpus* relief, and all amendments thereto (Docket Entry Nos. 1, 16), are **DENIED**, and this action is **DISMISSED**. Rule 8, Rules – 2254 Cases.

Should the petitioner file a timely notice of appeal from this Order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; *see Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will not issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right. *Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002)(citing *Lyons v. Ohio Adult Parole Auth.*, 105 F.3d 1063, 1072 (6th Cir. 1997) and *Murphy v. Ohio*, 263 F.3d 466, 467 (6th Cir. 2001)).

Entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge